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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 KEVIN M. HAMLETT et al,

11 Plaintiffs,

12 v.

13 DEBRA L STEPHENS et al.

14 Defendants.

CASE NO. C11-5785-RBL-JRC

ORDER ADOPTING A REPORT
AND RECOMMENDATION TO
DENY IN FORMA PAUPERIS
STATUS AND DISMISS WITHOUT
LEAVE TO AMEND

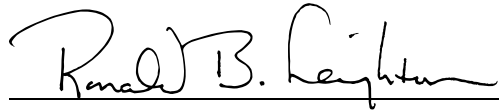
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16 The Court having reviewed the Report and Recommendation of the Hon. J.
17 Richard Creatura, United States Magistrate Judge, objections to the Report and
18 Recommendation, if any, and the remaining record, does hereby find and Order:

- 19 (1) The Court adopts the Report and Recommendation;
20 (2) Plaintiff's motion to proceed in forma pauperis is DENIED.
21 (3) Plaintiff does not have a right to proceed in state court with any civil
22 claim without payment of the filing fee simply because he is
23 indigent. The state court, like the district court, has discretion in
24 deciding to grant or deny in forma pauperis status in a civil case that
does not challenge a person's conviction or sentence.

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2 (4) Amendment of the complaint will not cure the defect. Plaintiff
3 simply does not have an absolute right to proceed in forma pauperis
4 on his claims. Further, plaintiff does not have leave to proceed on
5 appeal in forma pauperis.

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7 (5) This dismissal counts as a strike pursuant to 28 U.S.C. § 1915 (e) and (g).

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9 DATED this 4th day of November, 2011.

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RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE